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SUBJECT: ROMANIA,S SEVENTH ANNUAL ANTI-TRAFFICKING IN
PERSONS REPORT

REF: STATE 00202745

SENSITIVE BUT UNCLASSIFIED. PLEASE PROTECT ACCORDINGLY.

Embassy Bucharest's submission for the annual Trafficking in
Persons report follows below with answers keyed to reftel.

1. (SBU) OVERVIEW:

1A. Romania is a country of origin and transit for
trafficking in persons (TIP). While the majority of TIP
cases pertain to international trafficking between Romania
and Western Europe, there are cases of domestic trafficking
as well. Victims - primarily women and children - are
trafficked for purposes of sexual exploitation, labor
exploitation and forced mendicancy. The total number of
victims identified by the Government of Romania (GOR) in 2006
was 2285.

Out of the 2285 identified victims, 316 were minors, 542 men
and 1427 women.

Types of exploitation:

- 1451 sexual exploitation;
- 624 labor exploitation;
- 183 begging;
- 27 other forms.

In 2006, 12% of the identified TIP victims were victims of

internal trafficking. This is the first time that the GOR has officially recorded the number of victims exploited within Romania's borders.

In 2006, the International Organization for Migration (IOM) assisted 137 victims. IOM figures indicate that the average age of the victims they assisted was 22 years old; approximately 15% of the victims they assisted were minors under the age of 18. The distribution of trafficked victims by age is as follows: one victim under the age of 14; 19 victims between the ages of 15-17; 56 victims between the ages of 18-20; 48 victims between the ages of 21-29; and 13 victims over the age of 30. Eight of these victims were citizens of the Republic of Moldova; two of them were identified in Romania, and the remainder were repatriated through IOM Romania from other countries.

Of the 137 victims assisted by IOM, 44 were repatriated from Italy and 33 were repatriated from Spain. In previous years, Bosnia-Herzegovina and the Republic of Macedonia were the destination countries for a high number of victims, but that number has been reduced significantly in recent years. The increase in trafficking victims destined for Italy and Spain parallels the increase in overall migration of young Romanians who travel to these countries for low-wage jobs.

For 2006, the available sources of information concerning TIP cases were: the General Directorate for Combating Organized Crime (DGCCO) within the Ministry of Administration and Interior, which provides data regarding identified victims of trafficking during their specific operations, including those who are identified by border police; and the General

Prosecutors Office and Ministry of Justice regarding the number of prosecuted and tried cases, including the number of arrested and convicted persons.

The number of assisted victims of trafficking was provided by local and international nongovernmental organizations, regional branches of the National Agency Against Trafficking in Persons (ANITP), local authorities and state run shelters.

The TIP National Data Base, which has been operational within the framework of ANITP since December, 2006, allows for better identification of the victims and a faster response to their needs. Based on its data, the first Evaluation Report will be presented to the public in July-August, 2007. A list of indicators (containing various data about trafficking, victim assistance and social reintegration) was agreed upon by ANITP, Police, Border Police, Gendarmerie and other agencies, as well as by NGOs and provides the basis for further reports to the National Data Base.

The Resource Centre (RC), which is a dedicated unit within the GDCOC, found that women between the ages of 18 and 25 are more likely to become victims of trafficking for sexual purposes than any other age group or gender. Children are more likely to become victims of trafficking if they came from State Centers, single-parent homes and/or a dysfunctional family environment (e.g. families with financial difficulties, abuse, or alcoholism). Victims are sometimes approached by family & friends⁸ or other persons of influence, and are promised & good⁸ jobs. In the case of child victims, parents are typically assured that their children would have a better life and/or receive money in exchange for their children. The victims are moved outside of Romania under the guise of & organized tourism.⁸ In most cases victims travel legally. However, there are cases where false documents are used or the victim travels across the border illegally. Although no statistics from GOR or other sources exist regarding TIP and the Roma community, Roma leaders recognize that some Roma are victims of TIP, underscoring that the poverty and social instability in a number of Roma communities makes Roma particularly vulnerable to trafficking.

1B. The profile of traffickers is broad and varied. In some cases traffickers belong to internationally organized groups,

which can also be specialized in other crimes such is drugs, guns, etc.; however in the majority of cases, traffickers come from small groups with loose structures, including family members or other individuals that are often known to the victims. Some victims may at some point become traffickers, particularly recruiters, as they see no other opportunities in life.

The number of victims identified by the GOR likely does not reflect the total number of victims of TIP-related crimes. Many victims are reluctant to identify themselves, primarily because of the social stigma associated with TIP activities. There is also a general distrust among TIP victims of government officials and their readiness to assist them. Many victims either seek no assistance or prefer to take advantage of other options rather than accept government assistance.

A Program of National Interest for victim assistance was proposed by the ANITP in the last Quarter of 2006 to make Governmental funds available for NGOs in order to ensure a better quality of the services for TIP victims. It was approved by Minister of Administration and Interior with this view and around 800,000 RON (more than 300,000 USD) should be available no later than June, 2007.

Following the passage of Law no. 1584/2005, ANITP became fully operational in May 2006, and created 8 regional centers) 4 of them in their own offices (Iasi, Galati, Constanta, Timisoara), or hosted by police units (Pitesti, Craiova, Cluj-Napoca and Bucharest). In order to improve anti-trafficking efforts, passage of Law no. 1083/2006 extended the number of the regional centers from 8 to 15, with three staff members for each (an increase from the previously required two staff members.) Between September and December 2006, the newly existing staff in the regional centers had already made an impact in anti-trafficking efforts by identifying a total of 79 victims.

In order to provide more support to the victims who testify against traffickers and avoid their stepping back because of traffickers influence, ANITP, in collaboration with the GDCOC and Ministry of Justice, launched in November 2006 the Victim/Witness Coordination Program in the southern and eastern regions of the country. Approximately 26 victims were included in the initial phase of the program. This program will be highlighted at the end of this report as a &best practice.8

1C. The GOR has made progress in addressing the limitations they have in their ability to combat TIP. The ANITP representatives in the regional centers have improved the referral mechanisms in their respective regions, however a central referral system that covers the entire country is still lacking. Funding for anti-TIP activities has increased in 2006 and the ANITP now has a provision in place to provide more than 300,000 USD to NGOs who are involved in TIP issues. The level of cooperation that exists between ANITP and the NGOs has improved, in that ANITP has increased its reach to the NGO community in order to address the TIP problem. ANITP currently is working hard to improve cooperation and overcome the bureaucratic obstacles that exist between the national and local governments.

1D. The GOR monitors Anti-Trafficking efforts through the ANITP and in 2006 has improved its ability to gather statistics regarding TIP. The GOR has been very forthcoming in sharing these statistics with NGOs, other governments and international organizations.

12. (SBU) PREVENTION:

1A. The Romanian government recognizes that trafficking in persons is a serious problem. In 2006, the President of Romania identified human trafficking as one of the more important issues that needed to be addressed by the

government. The GOR's commitment to anti-trafficking was demonstrated through increased authorities for ANITP (and increased funding) throughout the course of 2006. The GOR is also very active in the Southeast European Cooperative Initiative (SECI) Bucharest-based regional anti-crime center, and throughout 2006 a Romanian official headed the Task Force on Combating Trafficking in Human Beings within SECI. SECI is a regional model for sharing of law enforcement information, including about TIP, and its TIP task force is one of SECI's most successful endeavors.

1B. ANITP is the governmental agency that leads the efforts of all other agencies involved in anti-trafficking. The director of ANITP is the chairman of the Inter-ministerial Working Group (IWG) on Human Trafficking. Other government agencies involved in anti-TIP activities include: the Ministry of Administration and Interior (MAI), the General Inspectorate of Border Police (GIBP), General Prosecutor's Office (GPO), Ministry of Justice (MOJ), Ministry of Labor and Social Solidarity (MLSS), Ministry of Education and Research (MER), Ministry of Health (MOH), Ministry of Finance (MOF), Ministry of Foreign Affairs (Human Rights Department), National Authority for Child Protection (NACP), Ministry of Public Administration (MPA), Ministry of European Integration, National Office for Refugees, Ministry of Culture and Religion, National Audio-Visual Council, National Authority for the Labor Force, Ministry of Youth, Agency for Student Camps and Tourism and the National Authority for Child Protection and Adoptions. All of these agencies are members of the IWG.

1C. The GOR partnered with several different NGOs to produce anti-trafficking campaigns. There have been several information and education campaigns both at the national and at the local level in which the government has been either the initiator or a key partner to international organizations or NGOs. Some campaigns were financed by the government, while others were financed by international donors through NGOs.

Campaigns developed in 2006:

- 2 EXIT campaigns developed in partnership with MTV Great Britain, ADPARE and the National Agency against Trafficking in Persons (in Cluj and Constansa). In those campaigns 13.000 young people participated between the ages of 16 and 25 and were distributed fliers and CDs;
- Romania was part of the European effort for preventing TIP during the World Cup 2006, Germany, by promoting, in partnership with AIDROM, &Don't pass on human beings8 campaign;
- A national campaign developed by the National Agency against Trafficking in Persons, with the financial support from the US Embassy, &Be careful, you will pay8 was launched in December 2006 and addressed young people between the ages of 16 and 25. This campaign also promoted the Agency's toll-free phone number 0 800 800 678;
- The National Authority for Protection of Children Rights continued the public education campaign regarding the rights of the child &THE RIGHTS OF THE CHILD ARE LAW,8 which ran throughout 2006;
- Between July 20 and December 7 2006 the Office for Labor Force Migration and Labor Abroad Department developed an information campaign, &Choose legal labor force migration!8
- The Ministry of Education and Research included the problem of trafficking in persons in the Counseling and Orientation school programs in the gymnasium, high-school and in arts and crafts schools.
- The National Program of Education for Democratic

Citizenship (NPEDC) directly targeted the trafficking phenomenon, having distinct chapters for the prevention and countering the trafficking in persons, for the whole pre-university educational system.

- The Ministry of Education and Research has developed government-NGO partnerships; there are collaboration protocols signed among the county school inspectorates, the governmental and non-governmental institutions in order to ensure the diversification and the improvement of the prevention activities, effectiveness.

- Within the campaign &Be careful, you will pay!⁸ the Roma population was included in the target group and prevention materials were translated into the Romany language.

1D. The Ministry of Labor, Social Solidarity and Family (MLSSF), together with the National Employment Agency, the National Agency for Family Protection and the National Agency for Equal Opportunities, apply specific measures in order to socially integrate persons, especially women, who belong to low-developed areas and who find themselves in trafficking situations. MLSSF has adopted a set of specific measures to combat TIP, which focus on improving the economic and social status of persons who are at risk of being trafficked, as well as provide potential victims with a better understanding of the legal procedures for employment abroad. In this regard, the GOR has signed a series of bilateral agreements with other European countries in order to bring the work force movement under regulation.

The National Anti-Poverty and Promoting Social Inclusion Plan also set a strategy to promote &social inclusion,⁸ with the following specific objectives: to increase employment opportunities and combat all forms of discrimination against women, to promote equal opportunities in all fields and all situations.

1E. The relationships between government officials and NGOs concerned with trafficking improved in 2006. There is particularly good cooperation at the working level that is often driven by a growing network of personal contacts.

At the national level, NGOs and international organizations participate in the IWG meetings. NGOs report that their

presence in these meetings is useful at the level of information exchange, but their power in influencing policy is limited.

A few counties reported that they created similar working-level multi-agency teams comprised of representatives of civil society and various governmental institutions involved in anti-trafficking activities at the local level. These multi-agency teams meet on a regular basis and have had some positive results, but these are isolated examples. There are still improvements that can be made at the county-level, which the ANITP began to address in 2006.

1F. The GOR monitors its borders through the General Inspectorate of Border Police (GIBP). The GIBP monitors immigration and immigration patterns and uses this analysis to prevent trafficking from occurring. Analysis in 2006 showed a reduction in trafficking across the western border into Hungary and Serbia. The GOR continued to work closely with European partners to help strengthen Romania's borders.

1G. Coordination on TIP issues among the government, international organizations and NGOs occurs within the framework of the IWG, which is made up of various governmental ministry representatives and international organizations and is coordinated by the Ministry of Administration and Interior (MAI). NGOs and US Embassy representatives are invited to all IWG meetings. In December 2005, the Romanian government passed a law establishing the National Agency for the Prevention of TIP and for Monitoring the Protection of TIP Victims.

The GOR has a specialized investigative and prosecutorial unit for public corruption based on the task force model. The government formed an inter-ministerial council at the end of 2005 that meets regularly to coordinate the fight against corruption. The Minister of Justice acts as the council's coordinator, and invites NGO representatives and journalists to the council's meetings. This council oversees implementation of the 2005-2007 National Anticorruption Strategy, which aims to prosecute high-level corruption, increase transparency in public administration, prevent corrupt business practices, and increase the integrity of the judiciary.

1H. A five year National Action Plan for Combating Trafficking in Human Beings was adopted in 2001. National agencies responsible for the implementation of the Plan include: MAI-GDCOC, MOJ, MOF, MFA, NACP, MLSS, MPA and MER. NGOs were consulted in the process of adopting the decision, and are intended to act as partners during all phases of implementation. The National Action Plan was widely disseminated through seminars and training sessions. In 2004, the government adopted a separate National Action Plan on the Prevention of Trafficking in Children. The Ministry of Administration and Interior working in conjunction with UNICEF developed a draft anti-trafficking strategy for 2006-2010 accompanied by a detailed action plan for 2006-2008. A final form of the strategy and action plan was endorsed by each ministry and then adopted by the government in December 2006.

13. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

1A. Law no. 678/2001 specifically prohibits trafficking, and seeks to protect and assist trafficked victims. Article 2 of the law specifically covers both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor). Moreover, the law sets forth prosecution measures and punishments for traffickers. Law no. 39/2003 for Combating Organized Crime specifically defines TIP as a serious crime, and includes TIP offenses. Article 2 of the law defines an organized criminal group as follows: &a structured group formed of three or more persons that exist for a period of time and acts in a coordinated manner for the purpose of committing one or more grave offenses, in order to obtain directly or indirectly a financial benefit or other material benefit.⁸ The GOR does use other laws in the prosecution of trafficking cases, especially laws prohibiting pimping. All of these laws taken together cover the full scope of trafficking offenses.

TIP victims have the right to seek a civil remedy and this can occur simultaneously with the criminal proceeding, at the conclusion of the criminal proceeding or can occur completely separate from the criminal case.

1B. Violations of Article 12 of Law no. 678/2001 carry sentences of three to twelve years and raise the sentence to five to fifteen years for aggravating circumstances. The sentence provided in Article 13 paragraph 1 is from five to fifteen years if the victims are below the age of 18. The same article carries terms of seven to eighteen years in case of trafficking of minors under certain aggravating characteristics such as kidnapping while armed, by a group of persons, or causing bodily injury. If the kidnapping results in the death or suicide of the victim, the sentence goes from fifteen to 25 years. Law 678/2001 defines trafficking in two articles (12 and 13) and several paragraphs that interact to provide a complex set of sentences ranging from three years (at a minimum) to 25 (at a maximum). The sentence is dependent on factors such as: number of perpetrators, age of the victim, and severity of damage caused to the victim, kidnapping or fraud, and if violence or threats were used.

1C. The same penalties awarded in sexual exploitation cases are also applied for labor trafficking offenses.

1D. Article 197, which covers rape, carries a sentence of

three to 10 years, with the penalty raised to five to 15 years if the act involves any of the following: two or more participants; is conducted by the guardian of the rape victim; or if severe injuries result. The penalties go to 10 to 20 years if the victim is under 14. If the victim dies or commits suicide, the sentence increases to 15 to 25 years. These penalties overall are comparable to penalties for sex trafficking, as sentences for both range from three to 25 years.

¶E. In Romania, prostitution activities are criminalized, to include the activities of brothel owners and pimps. However, there is no law to punish the client, with the exception that if the prostitute was a minor and the client admitted knowing that fact before the act, the client can be prosecuted for sexual acts with a minor.

¶F. Between January 1, 2006 and December 31, 2006, the courts rendered final convictions against 187 persons for committing the offence of trafficking in persons. Out of these:

- 5 persons were sentenced to 6-12 months imprisonment
- 88 persons were sentenced to 1-5 years imprisonment
- 64 persons were sentenced to 5-10 years imprisonment
- 7 persons were sentenced to 10-15 years imprisonment
- 11 persons were sentenced to a penalty for which the execution was conditionally suspended
- 10 persons (1 being a minor) were sentenced to a penalty for which the execution was suspended under observation
- 2 persons were sentenced to a penalty for which the court pronounced the execution at the working place.

Under the Romanian Penal Code, an individual serving prison time for a TIP offense can be released early from prison if two thirds of the sentence has been served and the individual has demonstrated significant moral rehabilitation. The Romanian legal system does not provide for plea bargains or fines - only imprisonment sanctions are given for TIP offenses.

The legal framework encourages the traffickers to collaborate within the criminal proceedings. Article 20 from Law no. 678/2001 provides: &The person who committed one of the offences provided by this law and during the criminal lawsuit denounces and helps for identification of the other participant to the crime, shall benefit by reducing his own penalty with a half.⁸ In 2006, the Government indicted 780 defendants in 183 files for committing TIP offenses.

Labor recruiters are prosecuted under Law no. 678/2001.

¶G. There is no indication that human trafficking in Romania is being conducted by large organized crime syndicates or other large international groups; much of the trafficking is conducted via small trafficking networks that maintain contact with other small criminal groups for this purpose. Employment, travel and tourism agencies have been identified as fronts for some traffickers; however these were not common sources of trafficking. There is no indication that government officials are involved in trafficking activities. With respect to the way in which the profits are directed, there is no indication that they are destined for the financing of various armed groups, terrorist organizations or for bribing Romanian officials.

¶H. The GOR actively investigates TIP cases using a number of methods, to include electronic surveillance and undercover operations. The government also uses mitigated punishment and/or immunity to encourage suspects to cooperate in TIP investigations.

¶I. Before a TIP case is taken to trial, the prosecutor who leads the criminal investigation in a TIP case is the one to establish the working team composed of judiciary police officers, specialized in countering trafficking in

persons, border police officers, etc

The monitoring activity aims at getting evidence regarding the traffickers, modus operandi any other pertinent information and the information is analyzed.

The documentation on the criminal activity also involves audio-video operative surveillance measures, authorized by judges according to the provisions of the Criminal Procedure Code, of Law no. 678/2001 on the prevention and countering of trafficking in persons, or of Law. No. 39/2003 regarding the prevention and countering of organized crime, as well as the placement of undercover investigators/collaborators.

J. In 2006, Romanian prosecutors collaborated with their counterparts from other countries in 61 investigations regarding TIP offenses, out of which in 28 cases were initiated by foreign judicial authorities and 33 were initiated by the Romanian prosecutors.

Also, GDCOC and the Border Police have in many cases worked with officers from other European Union countries.

K. The Romanian government extradites persons who are charged with trafficking in other countries, if the legal conditions for extradition are fulfilled. In 2006 there was 1 case of this kind, concerning a Greek citizen, whose extradition from Romania was granted to the Greek authorities.

Art. 19 from the Romanian Constitution provides:

(1) No Romanian citizen shall be extradited or expelled from Romania.

(2) By exemption from the provision of para. (1), Romanian citizens can be extradited based on the international agreements Romania is a party to according to the law and on a mutual basis.

(3) Aliens and stateless persons may be extradited only in compliance with an international convention or in terms of reciprocity.

(4) Expulsion or extradition shall be ruled by the court.

L. There is no evidence of government involvement in or tolerance of TIP.

In 2006, the Anti-corruption National Directorate did not send to court any governmental official for his/her involvement under various forms in trafficking in persons. There were government officials suspected of issuing identification documents that could have facilitated activities related to trafficking, but no direct correlation has been made.

M. Not applicable.

N. Romania does not have an identified child sex tourism problem, although the media have reported some incidents of sexual abuse of children by foreign nationals visiting Romania. Romania's child sexual abuse laws have extra-territorial coverage. In the past, foreign pedophiles were arrested and prosecuted in Romania for child sex

offenses.

In 2006 there were no cases of foreign pedophiles extradited to their origin country.

The National Authority for Protection of Children Rights in cooperation with MAI, Romanian Hotel Industry Federation, Ministry of Transportation, Ministry of Tourism and NGO-s made the project &Intersectorial collaboration between public and private for prevention of trafficking and sexual exploitation in hotel industry and tourism⁸. A conduct code for protection of children against sexual exploitation in tourism industry were expanded and promoted within this project.

O. The Romanian government has signed and ratified the following international instruments:

- ILO Convention 182 (Law 203/2000)
- ILO Convention 29 (Decree 213/1957)
- ILO Convention 105 (Law 140/1998)
- Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography (Law 470/2001)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime (Law 565/2002)

14. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS

1A. Under the provision of Law no. 678/2001, victims of trafficking shall receive special physical, legal and social protection and assistance. They are also entitled to physical, psychological and social recovery. Upon request, TIP victims can receive temporary accommodation in governmental shelters for ten days. The accommodation time can be extended by three months or for the entire duration of the criminal procedure, upon the request of the criminal investigation authority. Victims of trafficking are also covered under the Protection of Crime Victims Law, which entered into force in January 2005. The law specifies that Romanian authorities offer: information regarding victims, rights; psychological aid; legal aid; and financial compensation funded by the GOR. However, there is no clear mechanism that stipulates how these provisions are to be applied in practice. Whether or not a victim receives these benefits is dependent upon the service provider's knowledge of the law and a laborious bureaucratic process for fulfilling requests. In 2006, governmental reports mentioned at least nine operational state shelters for adult victims of trafficking, each providing access to legal, medical and psychological services to varying degrees. However, the status of the shelters is continuously changing, as some shelters close down and new shelters open. Keeping the shelters functioning proved to be a challenge for county authorities, who have limited resources for addressing many competing social needs.

Like the shelters, the degree of services provided by the non-residential centers is not uniform. There is no available data regarding the number of victims assisted by the non-residential service centers.

In 2006, 476 victims of trafficking were assisted. This is a significant increase compared to 2005, when only 175 victims were assisted. This indicates that aid provided by the GOR is reaching more victims than before. Most of the assistance provided in 2006 was in the form of social/legal assistance.

Legal aid and financial assistance is given to victims of TIP, as well as to spouses, children and/or others if the victim is deceased.

1B. According to the law, NGOs that provide services to TIP victims have priority in getting subsidies from the government. NGOs also receive support from the government for short-term activities, such as training of governmental employees, prevention activities, and for addressing specific needs of victims, such as issuing the identification documents, assistance for finding employment, etc. In 2006, governmental cooperation with NGOs has become more consistent.

1C. The National Authority for Protection of Child Rights set up an identification system for minor victims of trafficking. Some law enforcement agencies have procedures for identifying victims of trafficking; however there are no national identification standards. There is no systematic screening or effective referral process to transfer victims detained, arrested or placed in protective custody by law

enforcement to NGOs. Rather the referral process is informal and dependent upon whether authorities involved have direct contact with NGOs that provide assistance to the victims.

¶D. According to Romanian law, modified in 2005, victims of trafficking who are arrested for prostitution or begging cannot be prosecuted for these offenses. Normally, victims that come from other countries are identified prior to their repatriation; there are sometimes delays in identifying internal victims. Children are always considered victims in relation to trafficking and they are the beneficiaries of support and protection according to the Romanian laws.

¶E. Contained in Romanian legislation are special provisions that provide benefits and protections for victims that assist in the investigation and prosecution of trafficking offenses.

Many victims do not take advantage of these benefits and are often hesitant to provide information against perpetrators of trafficking because the victims have little trust that Romanian authorities will follow through on their commitments. Prosecutors responsible for TIP cases usually keep an objective viewpoint when investigating TIP cases and are required to remain unbiased when investigating whether a crime took place. For this reason, TIP victims who provide critical information in the investigation and prosecution of trafficking offenses normally do not have an advocate when providing information.

Victims are able to file civil suits against their traffickers as part of the criminal process or as a separate civil action. There are no legal impediments to a victim seeking legal redress but the Romanian legal system is slow-moving and often victims are not able to remain in the location when the investigation/trial is taking place. There is nothing preventing witnesses from leaving the country, and foreigners who are victims of trafficking are repatriated at the expense of the Romanian government. The repatriations are often as dictated by bilateral treaties which Romania has with neighboring and western European countries. Foreign citizens who are victims of trafficking have the right to wait 90 days to decide if they would like to cooperate in a criminal proceeding. The victim witness coordination program that is outlined in the &best practice8 section of this report has begun to address this issue.

¶F. The GOR has both formal and informal measures for protecting victims and witnesses of trafficking offenses. The formal system includes assistance in changing the witness's identity and residence. This is a specialized system that requires a prosecutors' request and an assessment based upon criteria used by the witness protection unit. Although these measures have been used to protect witnesses in TIP cases in the past, they were not used to protect any TIP victims in 2006. In addition, the victim can invoke less formal judicial procedures to assist in protecting their identity and reduce their contact with the defendant and defendant's associates while testifying in court. TIP investigators in several counties describe taking a personal interest in ensuring the protection of TIP victims. At the same time, individual TIP victims have continued to complain about being contacted or harassed by traffickers and their associates.

The GOR provides shelter services for both adult and juvenile victims of TIP offenses. There are currently nine operational state-sponsored TIP shelters for adult victims. The state facilities are emergency shelters and are not designed for long-term rehabilitation. Despite this, they offer a full range of medical, psychological, and educational services along with social services and employment assistance through staff that are most commonly affiliated with broader social service programs for children. Since the state shelters are administered through local officials, their facilities, services, and relationship to other service providers vary. Upon the request of the prosecutor, victims are entitled to remain in the shelter throughout the investigation and trial. Police and prosecutors have a statutory obligation to inform victims of the right to go to

a state shelter and to have access to other services. In practice, investigators report that a majority of victims do not want to go to a state shelter. The interpretation of applicable privacy rules often prevents law enforcement from placing the victim in a state shelter without the victim's approval. The best scenario for a trafficking victim who is interested in long-term assistance would be to be placed with one of the NGOs that support TIP victims who are in a better position to provide long-term care for the victim.

Minors who are victims of trafficking have a series of

possible care facilities which include: emergency centers, transit centers, the victim's family with the support of social services, foster care, or placement centers. If a child is identified as a victim of trafficking he/she would not be placed in a juvenile justice detention center.

In 2006, the Romanian Ministry of Justice changed existing law to make it easier for TIP victims to testify in court cases using video testimony.

1G. Specialized training for GOR officials continued in 2006.

The National Authority for Protection of Child Rights has developed partnerships for specialized training from international organizations to include: ICMPD, International Migration Organization, UNICEF, ILO and local NGOs.

The Romanian Ministry of Foreign Affairs encourages its embassies to foster contacts with NGOs and international organizations that are involved in TIP issues. The training received by MFA officers prior to their assignment has some applicability in assisting TIP victims, but, specific training for MFA officers on TIP issues is limited.

Romania's diplomatic missions have relationships with different NGOs, specialized in providing assistance for trafficked victims, especially with IOM (International Organization for Migration) for assistance in the voluntary return of trafficked victims.

1H. The Romanian government does provide assistance to TIP victims who are repatriated. The victims are repatriated at the cost of the government and, if they are identified as a TIP victim, they are eligible to receive the same benefits as internal victims. These benefits were described above in section A.

1I. In 2006, laws were proposed to increase funding for NGOs. The Romanian government cooperates with the following international organizations and NGOs that work on TIP issues:

IOs:
UNICEF, UNHCR, ANAEM France, IOM, International Labor Organization.

NGOs:
Red Cross - Romania - information education campaigns to prevent child trafficking.

Salvati Copii (Save the Children)
- Activities aiming to prevent trafficking and sexual exploitation in the hotel and tourism industries. A group of experts developed a code of conduct for hotels and tourism industries. Information materials were produced and distributed in hotels and through the tourism agencies.
- Social assistance and counseling for child victims of trafficking.
- Training for border police, police and social workers on interviewing children victims of trafficking.

Caritas - anti-TIP and anti-drug information education campaigns in schools.

AIDRom - Prevention and training activities for governmental and non-governmental representatives to acquire the necessary

skills for identifying and solving potential situations that could lead to trafficking and to establish a network of local contacts involved in similar anti-TIP activities.

Young Generation - shelter, social assistance and counseling to victims of trafficking

Social Alternatives - prevention activities, anti-trafficking newsletter, psychological assistance to victims of trafficking

Reaching Out - long-term reintegration services to victims of trafficking, social assistance, counseling and shelter

Adpare - shelter, counseling, reintegration services for victims and also prevention activities including peer education program in Bucharest schools

Betania - social assistance and counseling

Conexiuni - social assistance and counseling

Romanian Orthodox Church - BANITP Metropolitan See - shelter, counseling and reintegration services

15. (SBU) NOMINATION OF HEROES AND BEST PRACTICES

1A. TIP Heroes: Post did not nominate anyone this year as a TIP hero.

1B. Best Practice: One of the biggest challenges in prosecuting TIP cases is how to maintain the cooperation of the victims throughout the trial process. In Romania, trials are often very long and require the victims to be present in the courtroom on multiple occasions. Furthermore, in the Romanian judicial system prosecutors take on the role of independent magistrates and therefore are not able to identify themselves with the victims. The ANITP in 2006 recognized the importance of improving this process and decided to use its infrastructure and resources to help victims better understand the judicial process and make them as comfortable as possible for the duration of the trial. In its latest action plan, the ANITP made victim-witness coordination a high and began working with the Embassy,s RLA office to move forward. The first step was to develop a system of coordinators who would facilitate contact between the victims and the courts. The coordinators in the system have four responsibilities: (1) to maintain updated contact information for the victim and to provide the victim with information about the status of the case; (2) to provide the victim with general information about the court system in order to demystify the trial process and make it less intimidating; (3) to provide the victim with logistical assistance in getting to court; and (4) to provide the victim with information about services available in their region.

16. (U) Embassy POC is Philip Knecht, at 011-40-21-200-3435, Fax 011-40-21-200-3442. The following Embassy personnel spent the approximate time indicated in the preparation of this report: PolOff Phil Knecht, grade, FS-04, 80 hours; Radu Pop, Political Specialist, 50 hours; DOJ Legal Attach, Tim Ohms, 6 hours; DOJ Legal Assistant, Monica Custura, 6 hours, Political Chief, Theodore Tanoue, grade FS-02, 6 hours; DCM, Mark Taplin, grade FE-MC, 30 minutes.

17. (U) Amembassy Bucharest,s reporting telegrams are available on the Bucharest SIPRNET Website:
www.state.sgov.gov/p/eur/bucharest.
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